

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FARD GRAHAM,

Petitioner,

Civil Action No. 19-CV-10634

vs.

HON. BERNARD A. FRIEDMAN

DEWAYNE BURTON,

Respondent.

**ORDER TRANSFERRING CASE TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Petitioner Fard Graham, a Michigan state prisoner, has filed a *pro se* petition for a writ of habeas corpus. He challenges his 2005 convictions for two counts of armed robbery, Mich. Comp. Laws § 750.529, and two counts of bank robbery, Mich. Comp. Laws § 750.531. In 2008, petitioner filed a habeas corpus petition challenging the same convictions challenged in the instant petition. That petition was denied on the merits. *See Graham v. Ludwick*, No. 08-CV-11117 (E.D. Mich. Mar. 30, 2010).

Before a prisoner may file a habeas petition challenging a conviction already challenged in a prior habeas petition, he must “move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained permission from the Court of Appeals for the Sixth Circuit to file a successive petition in this court. When a second or successive habeas petition is filed without permission, the district court must transfer the matter to the court of appeals pursuant to 28 U.S.C. § 1631. *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997). Accordingly,

IT IS ORDERED that the Clerk of Court transfer this matter to the United States Court of Appeals for the Sixth Circuit.

Dated: March 13, 2019
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 13, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager